

#7430

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 18949

PERMIT 12287

LICENSE 7430

ORDER ALLOWING CHANGE IN PLACE OF USE AND  
CORRECTING THE DESCRIPTION OF THE POINT OF DIVERSION

WHEREAS:

1. License 7430 was issued to Franklin F. Offner and was filed with the County Recorder of Napa County on September 2, 1965.
2. A petition for change in the place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
3. The Board has found that the point of diversion under this license is incorrectly shown on the USGS, 7½ minutes, Aetna Springs Quadrangle and it must be corrected.
4. The Board has determined that the petitioned change and requested correction do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of diversion under this license shall be as follows:

N 1,700 feet and W 2,350 feet from SE corner of Section 12,  
T9N, R6W, MDB&M and being within NW¼ of SE¼ of said Section 12.

2. The place of use under this license shall be as follows:

5 acres being within NE¼ of NE¼, Sec. 12, T9N, R6W, MDB&M  
17 acres being within SE¼ of NE¼, Sec. 12, T9N, R6W, MDB&M  
2 acres being within SW¼ of NE¼, Sec. 12, T9N, R6W, MDB&M  
17 acres being within NE¼ of SE¼, Sec. 12, T9N, R6W, MDB&M  
10 acres being within NW¼ of SE¼, Sec. 12, T9N, R6W, MDB&M  
6 acres being within NE¼ of SW¼, Sec. 12, T9N, R6W, MDB&M  
4.5 acres being within SE¼ of SW¼, Sec. 12, T9N, R6W, MDB&M  
17 acres being within NW¼ of NW¼, Sec. 7, T9N, R5W, MDB&M  
3 acres being within NE¼ of NW¼, Sec. 7, T9N, R5W, MDB&M  
11.5 acres being within SW¼ of NW¼, Sec. 7, T9N, R5W, MDB&M

93 acres total

Dated: MARCH 3 1981

*Walter G. Pettit*  
Walter G. Pettit, Chief  
Division of Water Rights

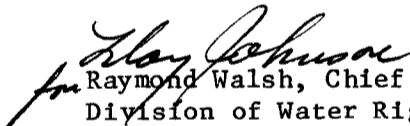
3. The paragraph pertaining to the continuing authority of the Board is replace with the following:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights privileges under this license are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: NOVEMBER 19 1986

  
Raymond Walsh, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 18949

PERMIT 12287

LICENSE 7430

ORDER ALLOWING CHANGE IN PURPOSE OF USE,  
PLACE OF USE AND AMENDING THE LICENSE

WHEREAS:

1. License 7430 was issued to Franklin F. Offner and was recorded with the County Recorder of Napa County on September 2, 1965 in Volume 730, Page 69.
2. License 7430 was subsequently assigned to Jerome W. Komes and Flora C. Komes.
3. An order allowing change in the place of use and a correction in the point of diversion was granted on March 31, 1981 and has been recorded with the County of Napa County on March 5, 1981 in Volume 1194, Page 724.
4. A petition for change in purpose of use, and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
5. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purposes of use under this license shall be as follows:

Irrigation, Frost Protection, Heat Control and Recreation

2. The place of use under this license shall be as follows:

5 acres being within NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 12, T9N, R6W, MDB&M  
30 acres being within SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 12, T9N, R6W, MDB&M  
5 acres being within SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 12, T9N, R6W, MDB&M  
6 acres being within NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 12, T9N, R6W, MDB&M  
5 acres being within SE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 12, T9N, R6W, MDB&M  
22 acres being within NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 12, T9N, R6W, MDB&M  
17 acres being within NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 12, T9N, R6W, MDB&M  
20 acres being within SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 12, T9N, R6W, MDB&M  
36 acres being within SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 12, T9N, R6W, MDB&M  
3 acres being within SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 7, T9N, R5W, MDB&M  
22 acres being within SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 7, T9N, R5W, MDB&M  
18 acres being within NW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 7, T9N, R5W, MDB&M

189 acres total



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

Notice of Assignment (2)

APPLICATION 18949

PERMIT 12287

LICENSE 7430

THIS IS TO CERTIFY, That

Franklin F. Offner  
Pope Valley, California

has made proof as of October 23, 1964,  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
an unnamed stream in Napa County  
tributary to Duvall Lake thence Pope Creek thence Lake Berryessa

for the purpose of irrigation and stockwatering uses  
under Permit 12287 of the State Water Rights Board and that said right to the use of said water has been  
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from August 28, 1959,  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed forty-five (45) acre-feet  
per annum to be collected from about October 1 of each year to about April 1  
of the succeeding year.

The maximum withdrawal has been 43 acre-feet per annum.

The point of diversion of such water is located :

North two thousand one hundred fifty (2150) feet and west two thousand one  
hundred fifty (2150) feet from SE corner of Section 12, T9N, R6W, MDB&M, being  
within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 12.

A description of the lands or the place where such water is put to beneficial use is as follows:

Stockwatering at the reservoir within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 12, T9N, R6W, MDB&M,  
and irrigation of:

25 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T9N, R6W, MDB&M.
5 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T9N, R6W, MDB&M.
30 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time  
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein  
specified and to the lands or place of use herein described.

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

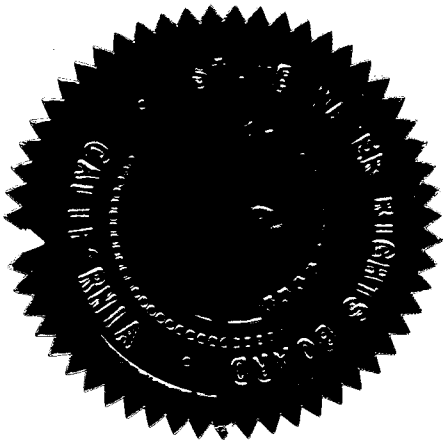
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: SEP 1 1965



*L. K. Hill*  
L. K. Hill  
Executive Officer

*5-23-66 Name of Janine Offner added*  
~~RECEIVED NOTICE OF ASSIGNMENT TO~~

*1-20-82 asgd to Jerome W. + Flora C. Komes*

LICENSE 7430  
STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Franklin F. Offner

SEP 1 1965

DATED

47689 8-61 3M ① SPO

MAR 25 '65 A.M.

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